



**TOWN OF LOOMIS**  
**PLANNING COMMISSION ACTION MINUTES**  
**LOOMIS DEPOT**  
**5775 HORSESHOE BAR ROAD**  
**LOOMIS, CALIFORNIA**

**TUESDAY**

**January 26, 2016**

**7:30 PM**

**CALL TO ORDER** 7:30 pm

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

☒ Chairman Hogan  
☒ Commissioner Duncan  
☒ Commissioner Kelly  
☒ Commissioner Onderko  
☒ Commissioner Wilson

**COMMISSION COMMENT FOR ITEMS NOT ON THE AGENDA:** None

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:** None

**ADOPTION OF AGENDA**

If items on the Agenda will be rescheduled for a different day and time, it will be announced at this time. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five minute time limit. The Chairman has the discretion of limiting the total discussion time for an item.

Motion was made to adopt the Agenda. 1: Onderko, 2 Kelly; passed by the following vote:

Ayes: Hogan, Kelly, Onderko, Wilson, Duncan

Noes: None

Abstained: None

Absent: None

**CONSENT AGENDA**

**RECOMMENDATION**

**1. PROJECT STATUS REPORT**

**RECEIVE AND FILE**

**2. December 15, 2015 MINUTES**

**APPROVE**

**PUBLIC COMMENT ON CONSENT AGENDA:** None

Town Attorney Mona recommended that we move "public comment on consent items" to above "consent agenda"

Motion was made to adopt the Consent Agenda: 1 Kelly, 2 Wilson; passed by the following vote:

Ayes: Hogan, Kelly, Onderko, Wilson, Duncan

Noes: None

Abstained: None

Absent: None

**PUBLIC HEARING:**

**3. PROPOSED URGENCY ORDINANCE OF THE TOWN OF LOOMIS ENACTING CHAPTER 13.46 OF THE LOOMIS MUNICIPAL CODE PROHIBITING THE CULTIVATION OF MARIJUANA**

**REQUEST:** October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law; and the Act became effective January 1, 2016 and contains provisions which allow for local governments to regulate licenses and certain activities thereunder; and the Act contains a provision which sets forth that the State shall become the sole authority for regulation under certain parts of the Act, unless, on or before March 1, 2016, local governments have "land use regulations or ordinances regulating or prohibiting the cultivation of Marijuana..." (Health & Safety Code §

11362.777(c)(4)); and it is in the interest of the Town, its residents, and its lawfully permitted businesses that the Town prohibit the cultivation of medical marijuana;

**RECOMMENDATION:** Staff recommends that the Planning Commission recommends that the Town Council adopt the proposed Urgency Ordinance enacting Chapter 13.46 of the Municipal Code Prohibiting the Cultivation of Marijuana

Town Attorney Mona explained the regulation, AB 21 and the change in Urgency status if the governor signs AB 21 removing the March 1, 2016 deadline date for jurisdictions to enact their own regulations

**COMMISSIONERS QUESTIONS:**

Chairman Hogan asked what the penalties are for the violation of this ordinance

Commissioner Duncan asked about the logistical process involved

Commissioner Onderko discussed the difference between the legal use of marijuana vs the cultivation of marijuana

Commissioner Wilson discussed the process of changing or amending the urgency ordinance if and when AB21 is signed.

**PUBLIC COMMENT:**

Eugene Harrison – Arcadia Ave , spoke in opposition of the proposed ban on the cultivation of marijuana

Leonard Smith – Loomis Basin area, spoke in opposition of the proposed ban on the cultivation of marijuana

**COMMISSION COMMENT:**

Chairman Hogan spoke in opposition of recommending prohibiting the cultivation of marijuana in the Town of Loomis,

Government shouldn't regulate what you put in your body. Don't rush into an ordinance without more research and information

Commissioner Onkerko discussed the difference between moral issue of marijuana use and land use issue that cultivation involves.

Commissioner Kelly discussed the need to get ahead of the issue and have us be in control of our land use instead of the state.

Chairman Hogan opened a discussion exploring the possibility of a moratorium instead of banning cultivation.

Motion was made to request that the Town Council adopt the proposed Urgency Ordinance enacting Chapter 13.46 of the Municipal Code Prohibiting the Cultivation of Marijuana and direct staff to monitor the status of medical marijuana laws adopted by the State and come back to the Commission and Council with possible amendments to the medical marijuana cultivation ordinance. 1. Wilson 2. Onderko passed by the following vote

Ayes: Kelly, Onderko, Wilson, Duncan

Noes: Hogan

Abstained: None

Absent: None

A motion was made to adjourn at 8:25 p.m. 1. Onderko, 2. Wilson; and passed by the following vote:

Ayes: Hogan, Kelly, Onderko, Wilson, Duncan

Noes: None

Abstained: None

Absent: None

**ADJOURNMENT: 8:25 PM**

Signed, February 16, 2016 at Loomis, California.

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Carol Parker, Administrative Clerk/Planning Assistant